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 <p>12740 San Fernando Rd. Sylmar, CA 91342</p>	<p align="center"><b>FAX TRANSMITTAL</b></p> <p>To: US Patent &amp; Trademark Office Examiner Joseph S. Machuga, Art Unit 3762, phone (703) 305-6184</p> <p>Fax: (703) 872-9306</p> <p>From: Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507</p> <p>Date: November 2, 2004</p> <p>Pages: Sixteen (16), Including Cover Page</p> <p>Re: Amendment Under 37 CFR 1.116 for S/N 09/993,085, filed 11/6/2001 (November 6, 2001); Attorney Docket No.: AB-145U</p>	<p align="center"><b>Certificate of Transmission</b></p> <p>I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306</p> <p>on this date: <u>November 2, 2004</u></p> <p>Typed Name: <u>Karyn M. Murray</u></p> <p>Signature: <u>[Signature]</u></p> <p>Date: <u>2004 Nov 2</u></p>
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**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED**

Please find attached:

- Amendment Transmittal Letter, including authorization to charge \$110 to Deposit Account (1 page);
- Rescission of Previous Nonpublication Request (1 page); and
- Amendment Under 37 CFR 1.116, responding to a final Office Action mailed July 2, 2004, for Application Serial Number 09/993,085 (13 pages).

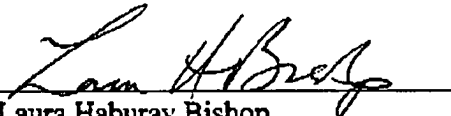
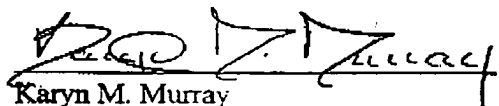
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<b>AMENDMENT TRANSMITTAL LETTER</b>				<b>Attorney Docket No:</b> AB-145U		
<b>Application Serial Number:</b> 09/993,085		<b>Filing Date:</b> 11/6/2001		<b>Examiner:</b> Joseph S. Machuga		<b>Group Art Unit:</b> 3762
<b>Title:</b> Systems and Methods for Treatment of Diabetes by Electrical Brain Stimulation and/or Drug Infusion						
<b>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:</b> Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
<b>TOTAL CLAIMS</b>	24	MINUS	35	0	\$18	\$0
<b>INDEP. CLAIMS</b>	2	MINUS	3	0	\$88	\$0
<input checked="" type="checkbox"/> <b>Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of <u>7/2/2004</u> to and through <u>11/2/2004</u>, comprising an extension of the shortened statutory period of:</b> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div> <input checked="" type="checkbox"/> one month (\$110)  <input type="checkbox"/> two months (\$430)         </div> <div> <input type="checkbox"/> three months (\$980)  <input type="checkbox"/> four months (\$1,530)         </div> </div>						
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>						
<input checked="" type="checkbox"/> Charge \$ <u>110.00</u> to Deposit Account <u>50-0648</u> . <input checked="" type="checkbox"/> Rescission of Previous Nonpublication Request Enclosed. <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <u>2004 Nov 02</u>            Date         </div> <div style="text-align: center;">             Laura Haburay Bishop            Reg. No. 47424         </div> </div> <div style="margin-top: 40px;"> <p>I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306 on <u>November 2, 2004</u>.</p> <div style="text-align: center; margin-top: 20px;">             Karyn M. Murray         </div> </div>						

Docket No. AB-145U

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Appl. No.: 09/993,085  
Conf. No.: 7482

Applicant: Whitehurst  
Filed: November 6, 2001  
TC/A.U.: 3762  
Examiner: Machuga, Joseph S.

Appl. Title: Systems and Methods for Treatment of  
Diabetes by Electrical Brain Stimulation  
and/or Drug Infusion

Docket No.: AB-145U  
Customer No.: 23845

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Fax. No. (703) 872-9306

on this date: November 2, 2004Typed Name: Karyn M. MurraySignature: [Handwritten Signature]Date: 2004 4/02

Commissioner for Patents  
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED****Amendment Under 37 C.F.R. 1.116**

Dear Examiner:

This amendment responds to the final Office action mailed 7/2/2004 for the subject application, in which all pending claims, claims 1-3 and 15-35, were rejected. An extension fee for response within the first month is being submitted concurrently herewith.

Applicant submits that this amendment places the claims in condition for allowance and/or in better form for consideration on appeal. It is respectfully requested that this amendment be considered and entered.

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

Appl. Ser. No. 09/993,085  
Amendment dated November 2, 2004  
Reply to final Office action of July 2, 2004

Page 1 of 13

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